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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRISTIAN MORA,

Defendant

**CASE NO. 21-CR-328-EJD-20**

**UNITED STATES' SENTENCING  
MEMORANDUM FOR CRISTIAN MORA**

Date: February 25, 2025

Time: 2:00 p.m.

Court: Hon. Edward J. Davila

1 Cristian Mora pleaded guilty to one count of conspiracy to distribute and possess with intent to  
2 distribute methamphetamine, a charge that arose out of a larger investigation into San Jose-based  
3 Norteño street gangs and the affiliated Nuestra Familia prison gang. *See* U.S. Probation’s Presentence  
4 Investigation Report (“PSR”) at ¶ 2. Specifically, on March 11, 2021, Mora delivered one pound of  
5 methamphetamine to an individual in Menlo Park on behalf of incarcerated co-defendant Edgardo  
6 Rodriguez. *Id.* at ¶ 33. The money for those narcotics was later paid to co-defendant Anaelisa Cuevas.  
7 *Id.* Based on lab results, the substance that Mora delivered tested positive for methamphetamine  
8 hydrochloride, with a net weight of 444 grams and 98% purity (amounting to 435 grams of pure meth).  
9 *Id.* at ¶ 34. This followed a prior federal drug trafficking conviction for Mora in 2012.

10 The government agrees with Probation that Mora’s Base Offense Level is 32 based on the weight  
11 of the methamphetamine. PSR at ¶ 39. The government questions the applicability of the “minor  
12 participant” reduction (and the associated additional 2-point reduction under U.S.S.G. § 2D1.1(a)(5)  
13 noted by defense counsel) given that Mora personally delivered a pound of methamphetamine to its  
14 intended recipient. *Id.* at ¶ 42. However, given the ultimate sentencing recommendation, the  
15 government does not object to either reduction. Further accounting for acceptance of responsibility, the  
16 Total Offense Level would be 25. *See* ECF No. 1774 (Defense Sentencing Memo at 3). When paired  
17 with a Criminal History Category of III (5 points), the advisory Guidelines range is 70-87 months.

18 Without minimizing the seriousness of Mora’s criminal conduct, and the particular harm that  
19 drug-dealing on behalf of the Nuestra Familia poses to the community, the government joins Probation  
20 and the defense in recommending a sentence of time served, with four years of supervised release.  
21 Weighing the section 3553(a) factors, the government believes this is an appropriate sentence for three  
22 reasons. First, given Mora’s progress in the Conviction Alternatives Program (CAP), public safety is  
23 best served by Mora’s continued rehabilitation out of custody and work toward sobriety, which the  
24 government accepts was a major cause of his criminal conduct. That progress is better preserved and  
25 built upon through Mora’s transition from the CAP program to a lengthy period of supervision, rather  
26 than by a period of incarceration. Second, the government notes that a time-served sentence for a drug  
27 courier would avoid unwanted disparities in this case, as it matches the sentences received by similarly-  
28 situated co-defendants Martin Ruppel and Anaelisa Cuevas. PSR at ¶¶ 9, 12. Finally, the government

1 takes seriously its duty to protect the public and is concerned by Mora's 2024 arrest for driving under  
2 the influence of alcohol. PSR at ¶ 54. While Mora was not involved in a car accident, and no one was  
3 injured on that occasion, an average of 4 people die *every day* in California from alcohol-involved car  
4 crashes. See "Alcohol-Impaired Driving," California Office of Traffic Safety, available at  
5 <<https://www.ots.ca.gov/grants/alcohol-impaired-driving/>> (as of Feb. 18, 2025). But the government  
6 believes that that risk to the public is best mitigated through continued treatment and rehabilitation for  
7 Mora. And of course, any future misconduct can be addressed through the Form 12 petition process,  
8 including the possibility of incarceration.

9 Therefore, for all of these reasons, the government joins Probation and the defense in  
10 recommending that Mora be sentenced to a term of time served, with four years of supervised release  
11 and a mandatory special assessment of \$100.

12 DATED: February 18, 2025

Respectfully submitted,

13  
14 MARTHA BOERSCH  
Chief, Criminal Division

15 /s/  
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